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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,337	03/14/2007	Sedat Selvi	SI011/20247	9693
3000 7590 11/27/2009 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212				
EXAMINER				
MAL, TRI M				
ART UNIT		PAPER NUMBER		
3781				
NOTIFICATION DATE		DELIVERY MODE		
11/27/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary

Application No.

10/576,337

Applicant(s)

SELVI, SEDAT

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26, 28-31 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26, 28, 31, 34-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 29, 30 and 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 10/06/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

1. Claims 26, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natho et al. (5004091) in view of Li (UK 2173393), and further in view of Dercole (6102172). Natho teaches a suitcase with a lid section and a base section each comprising a foamed plastic material and the base section are moulded as one-piece tray tray-like forms and both are shape-wise maintaining. Natho also teach a first zipper for opening closing the case. Natho meets all claimed limitations except for the wheels and a second zipper. Dercole teaches that it is known in the art to provide a wheel and a retractable handle. It would have been obvious to one of ordinary skill in the art to provide wheels and retractable handle as taught by Dercole to enable one to transport the case easily.

With respect to the second zipper, Li teaches that it is known in the art to provide second zipper for expanding the case. It would have been obvious to one of ordinary skill in the art to provide a second zipper as taught by Li to enable one to enable to store additional contents.

2. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Natho rejection, as set forth above, in paragraph 1, and further in view of Ikelheimer (2912080). Ikelheimer teaches that it is known in the art to provide corrugation on the corners, col. 3, ln. 40-45. It would have been obvious to one of ordinary skill in the art to provide corrugation as taught by Ikelheimer to provide reinforcement at the corners.

3. Claim 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Natho rejection, as set forth in paragraph 1, and further in view of Kotkins, Jr.(4733515). It would have been obvious to one of ordinary skill in the art to provide pipings on the zippers as taught by Kotkins to provide reinforcement around the zipper.

4. Claim 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Natho rejection, as set forth in paragraph 1, and further in view of Chang '669. Chang teaches that it is known in the art to provide the retractable handle is inside the luggage. It would have been obvious to one of ordinary skill in the art to provide the handle inside the luggage as taught by Chang to provide the desired appearance for the luggage.

5. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Natho rejection, as set forth in paragraph 1, and further in view of Nykoluk et al. (6629588) or Mitomi et al. (5447261). Nykoluk '588 or Mitomi teaches that it is known in the art to provide indentations at the corners. It would have been obvious to one of ordinary skill in the art to provide indentations at the corners as taught by either Nykoluk '588 or Mitomi to provide the desired wheel assembly for the case.

6. Claims 29-30, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection. Applicant is noted that there is a stiff panel 35a which is optional to the luggage of Dercole. Thus to provide a wheels on the luggage of Natho would have been obvious. With respect to the second zipper. Li teaches that it is known in the art to provide second zipper for expanding the case. It would have been obvious to one of ordinary skill in the art to provide a second zipper as taught by Li to enable one to enable to store additional contents.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on M-F 6 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tri M Mai/
Primary Examiner, Art Unit 3781